

UNITED STATES of AMERICA
51ST DISTRICT COURT

NANETTE LEHMAN ,

Plaintiff,

DEMAND FOR JURY TRIAL

-VS-

Case No.
Hon.

LVNV FUNDING LLC,

Defendant.

COMPLAINT & JURY DEMAND

NB: There is a companion case to the above-styled matter titled *LVNV Funding, LLC v Lehman*, 51st District Court Case No. 11-0421GC before the Hon. Jodi Debbrecht

Jurisdiction

1. This court has federal question jurisdiction under the Fair Debt Collection Practices Act, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331, 1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

Parties

3. The Plaintiff to this lawsuit Resides in Shelby Twp, Michigan in Macomb County.
4. Midland Funding LLC, (“LVNVFLLC”) is a corporation doing business in Michigan.

Venue

5. The transactions and occurrences which give rise to this action occurred in Macomb County.
6. Venue is proper in the Eastern District of Michigan.

General Allegations

7. LVNVFLLC sued the Plaintiff in Waterford, Michigan in Oakland County.
8. Plaintiff resides in Utica, in Macomb County.
9. Defendant knew or should have known that the Plaintiff moved from Waterford.

COUNT I – Fair Debt Collection Practices Act (LVNVFLLC)

10. Ms. Lehman incorporates the preceding allegations by reference.
11. At all relevant times LVNVFLLC – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
12. LVNVFLLC is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
13. LVNVFLLC's foregoing acts in attempting to collect this alleged debt against Ms. Lehman constitute violations of the FDCPA.
14. Ms. Lehman has suffered damages as a result of these violations of the FDCPA.

COUNT II – Michigan Occupational Code (LVNVFLLC)

15. Ms. Lehman incorporates the preceding allegations by reference.
16. LVNVFLLC is a "collection agency" as that term is defined in the Michigan Occupational Code, M.C.L. § 339.901(b).
17. Ms. Lehman is a debtor as that term is defined in M.C.L. § 339.901(f).

18. LVNVFLLC 's foregoing acts in attempting to collect this alleged debt against Ms. Lehman constitute violations of the Occupational Code.
19. Ms. Lehman has suffered damages as a result of these violations of the Michigan Occupational Code.

Demand for Jury Trial

20. Plaintiff demands trial by jury in this action.

Demand For Judgment for Relief

ACCORDINGLY, Ms. Lehman requests that the Court:

- a. Assume jurisdiction over all claims.*
- b. Award actual damages.*
- c. Award statutory damages.*
- d. Award punitive damages.*
- e. Award statutory costs and attorney fees.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES
CONSUMER LAW GROUP, PLC

By: s/ Adam G. Taub
Adam G. Taub (P48703)
Attorney for Nanette Lehman
18930 West 10 Mile Rd. Suite 2500
Southfield, MI 48075
Phone: (248) 746-3790
Email: adamgtaub@clgplc.net

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